IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 18940 of 1993

Between:

Syed Sadullah Hussaini S/o. Late Shri S.G. Dastagir, Senior Assistant,
United India Insurance Co., Kamareddy Nizamabad District.

..... PETITIONER

AND

1 The United India Insurance Co. Ltd 24, Whites Road, Madras,
rep. by its Chairman.
2 The Regional Manager, The United India Insurance Co.

Ltd BasheerBagh, Hyderabad.
3 The Divisional Manager, The United India Insurance Co.

Ltd., Nizamabad.
4 The Branch Manager, The United India Insurance Co. Ltd.,
Kamareddy, Nizamabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or Order or direction preferably in the nature of a Writ of Mandamus declaring that the Petitioner is entitled to his basic salary to be computed with at the rate of 245/- from 27-11-1979 as against Rs.175/- which was given by the respondents and also direct the respondents to release the arrears of basic salary after computing the same from 1-1-1988 i.e., with effect from the cut-off date vide Circular No. 332/89 dt. 31-3-1989 issued by General Insurance Co. Ltd., Bombay.

Counsel for the Petitioner:MR.SHANKAR RAO BILOLIKAR

Counsel for the Respondents : Mr.K.SRINIVASA MURTHY

The Court made the following :

-

-

-

-

-

O R D E R:

-

This Writ Petition is filed seeking proper fixation of basic salary of the petitioner.

2. According to the petitioner, he was enrolled in Army on 09-05-1967. After completion of eleven years, he was discharged from Army on 10-06-1978. Thereafter, he was employed in the United India Insurance Company Limited-respondents herein on 27-11-1979 as Assistant Typist.

3. The grievance of the petitioner is that his basic salary should be fixed at Rs.245/-, instead it was only fixed at Rs.175/-, and the reference is made to the Circular issued by the General Insurance Company of India, dated 25-04-1989. Therefore, the present Writ Petition has been filed for appropriate direction to the respondents to fix the basic salary at Rs.245/- with effect from 27-11-1979.

4. It was contended by the respondents in the counter affidavit that they tried to justify that the Circular issued by the General Insurance Company of India, dated 25-04-1989 was correctly implemented.

5. After hearing the learned counsel for both parties, I am of the opinion that in case of any difficulty, the matter has to be resolved by the General Insurance Company of India, which has been stipulated in the Circular itself. In para 3.4 of the Circular referred to above, it was clearly stated that in case of difficulties in this regard reference may be made to GIC with full details.

5. Under those circumstances, we find that the matter has to be resolved by the General Insurance Company of India in case of any difficulty. Admittedly, the petitioner did not avail this opportunity and filed this Writ Petition seeking proper fixation in the basic salary. Therefore, without going into the merits of the case, I am inclined to dispose of the Writ Petition.

6. Accordingly, the Writ Petition is disposed of directing the petitioner to approach the General Insurance Company of India for proper fixation of his basic salary by giving full details as required in the Circular dated 25-04-1989 within a period of six weeks from the date of receipt of a copy of this order. On such representation being filed by the petitioner, the General Insurance Company of India shall dispose of the same within two months from the date of receipt of his representation.

_____

G.BIKSHAPATHY,J

Dated:09-09-2004

prv/ccm

To

1 The Chairman, United India Insurance Co. Ltd.,

24, Whites Road, Madras,
2 The Regional Manager, The United India Insurance Co.

Ltd., Basheerbagh, Hyderabad.
3 The Divisional Manager, The United India Insurance Co.

Ltd., Nizamabad.
4 The Branch Manager, The United India Insurance Co. Ltd.,
Kamareddy, Nizamabad Dist.

5 2CD copies